



Wichita-Sedgwick County Metropolitan Area Planning Department

April 7, 2017

Henry and Lynesia Cocking
22215 W. 29th North
Andale, KS 67001

SPT Architecture
Attn: Brad Teeter
121 N. Mead, Ste. 201
Wichita, KS 67202

RE: CON2017-00003 County conditional use to allow a commercial kennel on five acres; generally located on the west side of 247th Street West between 29th Street N. and 37th Street N. (3315 N. 247th Street)

Dear Applicant:

At its regular meeting on **March 9, 2017** the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

No protests were received; therefore, the MAPC's approval is final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script, reading 'Kathy L. Morgan'.

Kathy L. Morgan,
Senior Planner
Current Plans Division

KLM:al
Attachment

Copies to: MABCD
BOCC 3, David Dennis, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 359
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213

~~City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688~~

~~T 316.268.4421 • F 316.268.4390~~

www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2017-00003

WHEREAS, Hank Cocking, (Owners/Applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Kennel, Boarding, Breeding and Training facility on five (5) acres zoned RR Rural Residential described as:

TH PT SE 1/4 BEG 245.5 FT S NE COR THEREOF TH W 738.31 FT S 295 FT
E 738.31 FT TO E LI SE 1/4 N 295 FT TO BEG EXC RD, SEC 34-26-3W, Sedgwick County,
Kansas; generally located on the west side of North 247th Street West, mid-way between West 29th
Street North and West 37th Street North (3315 North 247th Street West)

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of March 9, 2017, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a Kennel, Boarding, Breeding and Training facility on five (5) acres zoned RR Rural Residential described as:

TH PT SE 1/4 BEG 245.5 FT S NE COR THEREOF TH W 738.31 FT S 295 FT
E 738.31 FT TO E LI SE 1/4 N 295 FT TO BEG EXC RD, SEC 34-26-3W, Sedgwick County,
Kansas; generally located on the west side of North 247th Street West, mid-way between West 29th
Street North and West 37th Street North (3315 North 247th Street West)

Approved subject to the following conditions:

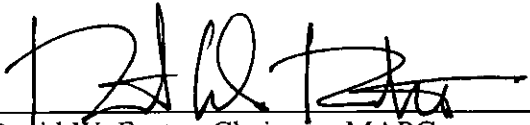
1. The Conditional Use will be perfected upon platting.
2. The Conditional Use shall permit a "kennel, boarding, breeding and training" for up 100 kennel stations which would house up to 150 pets (dogs and cats.)
3. The kennel shall be developed, operated and maintained in compliance with the approved site plan and will all applicable local, state or federal regulations, resolutions or statutes. In the event that any required screening is removed, the applicant shall be responsible to provide Code required screening.
4. The kennel operator shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
5. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of non-porous materials or materials approved by Metropolitan Area Building and Construction Department.
6. Sufficient quantities of food and water shall be provided to keep the dogs in good physical health. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
7. All waste materials shall be disposed of in such a manner to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site, unless specifically approved by MABCD, and shall not be discharged into residential sewage facilities (lagoon or septic systems) or any other unapproved on-site

disposal system.

8. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease and parasites.
9. The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.
10. The boarding facility shall be open to the unannounced inspection by MABCD personnel during normal business hours.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

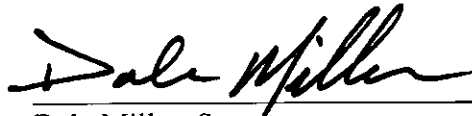
Adopted this 23rd Day of March 2017

METROPOLITAN AREA PLANNING COMMISSION



David W. Foster, Chairman MAPC

ATTEST:



Dale Miller, Secretary

CASE NUMBER: CON2017-00003

APPLICANT/AGENT: Hank Cocking (owner/applicant) Brad Teeter, SPT Architecture (agent)

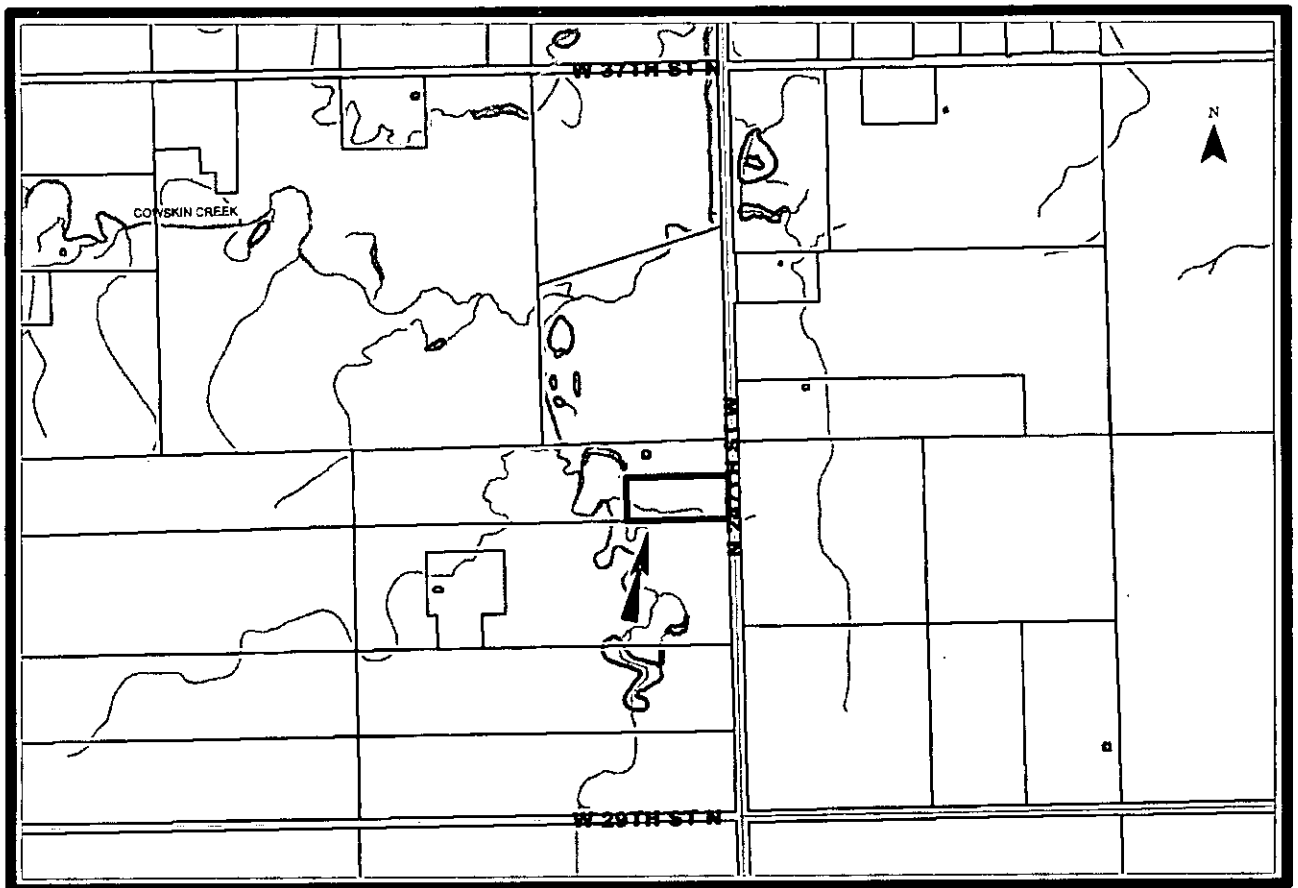
REQUEST: Kennel, boarding, breeding and training

CURRENT ZONING: RR Rural Residential

SITE SIZE: 5 acres

LOCATION: West side of North 247th Street West mid-way between West 29th Street North and West 37th Street North

PROPOSED USE: Commercial Dog Kennel



BACKGROUND: The applicants are seeking a Conditional Use approval for a “kennel, boarding, breeding and training.” The application area is approximately 5 unplatted acres located on the west side of North 247th Street West, approximately 2,900 feet south of West 37th Street North and will require platting before any permits are issued.

The applicant proposes to build a new U-shaped building with 97-feet by 25-feet kennel attached to the main structure, which measures 81-feet wide by 51-feet deep as indicated on the attached site plan. The plan also indicates future building and parking expansion. The kennel will operate on a “by appointment only” basis with general hours of operation of 7:00 a.m. to 7:00 p.m. Access to the large and small dog parks will be made available by membership to the kennel to insure all animals have the required vaccinations for

The applicant’s property is zoned RR Rural Residential (RR), which permits a boarding, breeding and training kennel only with Conditional Use approval, subject to the Supplementary Use Regulations contained in Section III-D.6.k (1)-(3) of the Wichita-Sedgwick County Unified Zoning Code (UZY).

The UZY’s Supplementary Use Regulations state:

- (1) The minimum lot size for a boarding, breeding or training kennel is five acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines. The application area contains five (5) acres.
- (2) Outside runs, holding pens or other open-air enclosures and shelters shall be located behind the front setback line and located at least 200 feet from any off-site dwelling unit and at least 20 feet from contiguous property lines. The RR zoning district has a 30-foot front setback, 25-foot rear setback and a 20-foot interior side setback. As shown on the applicant’s site plan, the proposed kennel is located approximately 86 feet west of North 247th Street West and 126-feet 11-inches south of the north property line. The proposed outdoor pens and runs are approximately 237 feet south of the closest off-site residence, and are approximately 92 feet south of the north property line. The screening and fencing indicated on the proposed site plan is in compliance with the UZY Supplementary Use Regulations.

Properties abutting the application area vary in size from 28 acres to 44 acres. Surrounding land is zoned RR Rural Residential and is used for farming or ranching. There is one residence and several outbuilding on the north abutting property. The residential structure is more than 200 feet from the proposed kennel and dog park.

CASE HISTORY: The property’s current RR zoning was assigned in 1985 when Sedgwick County adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: RR; single-family residence with agricultural outbuildings
South: RR; agricultural land, unimproved
East: RR; farmland
West: RR; agricultural land, unimproved

PUBLIC SERVICES: West 247th Street North is paved, two-lane arterial road with unimproved shoulders with approximately 80 feet of right-of-way. The site will be developed with a lagoon for sewage and by either on-site well or rural water district.

CONFORMANCE TO PLANS/POLICIES: The “2035 Community Investments Plan” (Plan) identifies the subject site as being located outside of any Small City Urban Growth Areas in western Sedgwick County. This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County* adopted as part of the Wichita-Sedgwick County Subdivision Regulations in 2005. The UZC permits boarding, breeding and training kennels with conditional approval, subject to Supplementary Use Regulation Section III-D.6.k(1)-(3) noted above.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it recommended the request be approved subject to the following conditions:

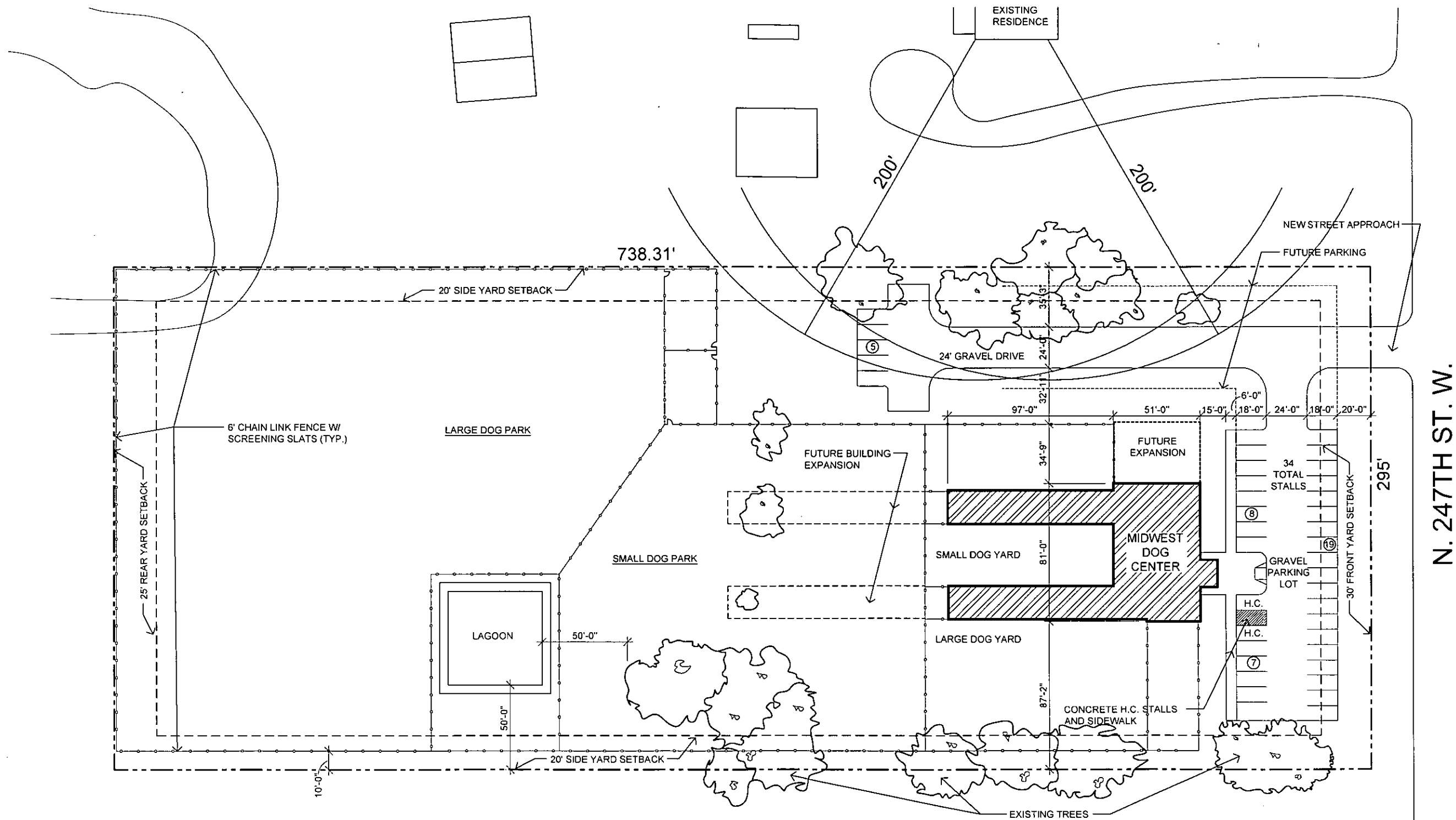
1. The Conditional Use will be perfected upon platting.
2. The Conditional Use shall permit a “kennel, boarding, breeding and training” for up to 100 kennel stations which would house up to 150 pets (dogs and cats.)
3. The kennel shall be developed, operated and maintained in compliance with the approved site plan and will all applicable local, state or federal regulations, resolutions or statutes. In the event that any required screening is removed, the applicant shall be responsible to provide Code required screening.
4. The kennel operator shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
5. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of non-porous materials or materials approved by Metropolitan Area Building and Construction Department.
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7. All waste materials shall be disposed of in such a manner to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site, unless specifically approved by MABCD, and shall not be discharged into residential sewage facilities (lagoon or septic systems) or any other unapproved on-site disposal system.
8. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease and parasites.
9. The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.
10. The boarding facility shall be open to the unannounced inspection by MABCD personnel during normal business hours.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties abutting the application area vary in size from 28 acres to 44 acres. Surrounding land is zoned RR Rural Residential and is used for farming or ranching. There is one residence and several outbuilding on the north abutting

property. The residential structure is more than 200 feet from the proposed kennel and dog park.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits single-family residential use on lots at least two acres or larger in size.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact adjacent properties provided the kennel is developed, operated and maintained in compliance with Code requirements and conditions of approval.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide the public with additional kennel services. Denial would presumably represent a loss of economic opportunity to the applicant.
5. Opposition or support of neighborhood residents: At the time this report was prepared, staff had not received any negative comments regarding the application.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2035 Community Investments Plan" (Plan) identifies the subject site as being located outside of any Small City Urban Growth Areas in western Sedgwick County. This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County* adopted as part of the Wichita-Sedgwick County Subdivision Regulations in 2005. The UZC permits boarding, breeding and training kennels with conditional approval, subject to Supplementary Use Regulation Section III-D.6.k(1)-(3) noted above.
7. Impact of the proposed development on community facilities: Traffic can be expected to increase to the site; however, existing facilities are adequate to handle expected minor increases.



SITE PLAN
1"=30'
0 30'

N. 247TH ST. W.